

John F. Berry, of Michigan
 Timothy A. Betts, of California
 James A. Boughner, of Washington
 William Brent Christensen, of Oregon
 Carl S. Cockburn, of Florida
 Jonathan Raphael Cohen, of California
 Maureen E. Cormack, of Illinois
 John S. Creamer, of Virginia
 Mark J. Davidson, of New Jersey
 Jeffrey F. DeLaurentis, of New York
 Laura Farnsworth Dogu, of Texas
 Walter Douglas, of Nevada
 Catherine I. Ebert-Gray, of Colorado
 John J. Finnegan, Jr., of Virginia
 Michael J. Fitzpatrick, of Florida
 Valerie L. Fowler, of Washington
 Carlos Garcia, of Florida
 Thomas B. Gibbons, of Virginia
 Daniel Edward Goodspeed, of Virginia
 Lawrence J. Gumbiner, of California
 Blair P. Hall, of the District of Columbia
 Daniel J. Hall, of Texas
 Brent R. Hartley, of Maryland
 Stuart M. Hatcher, of Virginia
 William A. Heidt, of California
 Debra P. Heien, of Washington
 James William Herman, of Washington
 Charles F. Hunter, of the District of Columbia
 Karen E. Johnson, of Texas
 Russell Warren Jones, Jr., of Illinois
 Geraldine L. Kam, of California
 Steven B. Kashkett, of Florida
 Elizabeth Cooper Kauffman, of Florida
 Sung Y. Kim, of California
 Laura Jean Kirkconnell, of Florida
 Philip S. Kosnett, of North Carolina
 Robert R. Kuntz II, of California
 Mary Beth Leonard, of the District of Columbia
 Earle D. Litzenberger, of California
 Naomi Emerson Lyew, of Pennsylvania
 William John Martin, of California
 Raymond D. Maxwell, of North Carolina
 Elizabeth Kay Webb Mayfield, of Texas
 Victoria Sharon Middleton, of Virginia
 Jeffrey A. Moon, of Florida
 Jonathan M. Moore, of Illinois
 Wendela C. Moore, of Virginia
 Tulinabo Salama Mushingi, of Virginia
 Julieta Valls Noyes, of Florida
 Julie H. Nutter, of Pennsylvania
 Mary Monica O'Keefe, of Virginia
 Theodore G. Osius, of the District of Columbia
 Joseph M. Pomper, of Connecticut
 Michael A. Raynor, of Maryland
 Bruce David Rogers, of California
 Sara A. Rosenberry, of Virginia
 Christopher John Rowan, of Tennessee
 Julie Ann Ruterbories, of Texas
 Sue Ellen Saarnio, of Virginia
 Michael R. Schimmel, of Michigan
 Todd P. Schwartz, of Ohio
 Kristen B. Skipper, of California
 Dana Shell Smith, of California
 Kurt D. Volker, of the District of Columbia
 Paul Allen Wedderien, of California
 Uzra S. Zeya, of Florida
 Susan L. Ziadeh, of Washington
 Benjamin G. Ziff, of California
 Jane Buchmiller Zimmerman, of Virginia

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Aziz Ahmed, of Virginia
 Douglas A. Allison, of Virginia
 James Patrick Bacigalupo, of New York
 Richard L. Boohaker, of Florida
 Michael B. Bretz, of Florida
 Todd James Brown, of Virginia
 Panakkal David, of New York
 John M. Davis, of Virginia
 Edmund J. Gagliardi, Jr., of Pennsylvania
 Leon G. Galanos, Jr., of New Hampshire
 Timothy G. Haley, of Texas

Daniel Barrett Hogan, of Virginia
 Martin Fortune Kraus, of Maryland
 Daniel R. Muhm, of Washington
 Joseph Michael Pate, of Tennessee
 Steve G. Romero, of Virginia
 David J. Schnorbus, of New York
 Christian J. Schurman, of Virginia
 Charles J. Slater, of Florida
 Walter D. Storm, of Washington
 Xavier Vazquez, of New York

UNITED STATES MARSHAL FOR THE EASTERN
 DISTRICT OF KENTUCKY

Dennis Michael Klein, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years, vice John Schickel, resigned.

LEGISLATIVE SESSION

UNANIMOUS CONSENT
 AGREEMENT—S. 3001

Mr. REID. Mr. President, I ask unanimous consent that if the Senate receives from the House a correcting resolution to correct the enrollment of S. 3001 that is identical to the matter which is currently at the desk, then it be considered to have been agreed to and the motion to reconsider be laid upon the table; that if the House concurrent resolution is not identical, then this order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVENING OF THE 111th
 CONGRESS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.J. Res. 100, convening of the 111th Congress.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 100) appointing the day for the convening of the first session of the One Hundred Eleventh Congress and establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2008.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. I ask unanimous consent the joint resolution be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (H.J. Res. 100) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 756, that the nomination be confirmed and the motion to reconsider be laid upon the table, that no further motions be in order, that any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF JUSTICE

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

Mr. LEAHY. Mr. President, today, the Senate confirmed five more executive nominations that were reported by the Judiciary Committee, including the nomination of Greg Garre to be Solicitor General of the United States, one of the highest and most prestigious positions at the Department of Justice.

The nominations considered today also include Jeffrey Leigh Sedgwick to run the Department's Office of Justice Programs, George W. Venables to be United States Marshal for the Southern District of California, Brian Albritton to be United States Attorney for the Middle District of Florida, and another that I have agreed to discharge from Committee: Dennis Michael Klein to be United States Marshal for the Eastern District of Kentucky. I thank Senator KENNEDY for his expedited consideration of Mr. KLEIN's nomination. He has long been focused on maintaining the qualifications of those appointed to be U.S. Marshals.

We tried as well to move forward with the President's nominations to the Privacy and Civil Liberties Oversight Board and the Sentencing Commission, but Republican holds prevented us from making progress and confirming President Bush's nominees to those important posts.

After today's confirmations, we have confirmed 40 executive nominations this Congress, including the confirmations of 13 U.S. attorneys, 9 U.S. marshals, a member of the U.S. Sentencing Commission, another Attorney General, Deputy Attorney General, Associate Attorney General, and Solicitor General. Eighteen of those nominations will have been confirmed this year alone, despite this being a Presidential election year.

Of course, we have considered these executive nominations while simultaneously moving forward with the confirmation of dozens of President Bush's judicial nominations. I have spoken many times about the partisan actions of the Republican-led Senate that created a judicial vacancies crisis by not considering circuit court nominees in 1996, 1997 and 1998. Those years included

the congressional session in the 1996 Presidential election year, when the Republican Senate majority confirmed only 17 judicial nominations and refused to allow the Senate to confirm even one circuit court judge. That same presidential election year the Republicans confirmed just four of President Clinton's executive nominees. By comparison, with today's confirmations, we have confirmed 18 of President Bush's.

As we prepare to close this Congress, I thank the members of the Judiciary Committee for the tireless work that resulted in the confirmation of 68 of President Bush's nominees to lifetime appointments to the Federal bench. This work was all the more impressive because of the time and effort we devoted to rebuilding and restoring the Department of Justice after years of scandals led to the resignations of the Department's entire senior leadership.

At the beginning of this Congress, the Judiciary Committee began its oversight efforts. Those efforts revealed a Department of Justice gone awry. The leadership crisis came more and more into view as I led a bipartisan group of concerned Senators to consider the U.S. attorney firing scandal, a confrontation over the legality of the administration's warrantless wiretapping program, the untoward political influence of the White House at the Department of Justice, and the secret legal memos excusing all manner of excess and subverting the rule of law.

What our efforts exposed was a crisis of leadership that took a heavy toll on the tradition of independence that has long guided the Justice Department and provided it with safe harbor from political interference. It shook the confidence of the American people. Through bipartisan efforts among those from both sides of the aisle who care about Federal law enforcement and the Department of Justice, we joined together to press for accountability.

After we exposed and uncovered the abuses at the Department, we referred a number of matters to the Department's Inspector General, OIG, and Office of Professional Responsibility, OPR, for further investigation. The three reports we have now received from those internal investigations have confirmed the worst of our findings and our fears.

The first two reports confirmed what the Judiciary Committee uncovered about the politicization of hiring practices at the Department. They confirmed that the same senior Department officials involved with the firing of United States Attorneys were injecting improper political motives into the process of hiring attorneys for career positions throughout the Department, from career prosecutors, to immigration judges, to young attorneys through the Department's prestigious honors program.

Just this week, OIG and OPR issued a third report, this one validating our

findings about the improper and unprecedented firing of U.S. Attorneys for political reasons. These findings add up to another disturbing report card on the conduct of the Gonzales Justice Department. This report confirms that the two most senior officials at the Department of Justice—Attorney General Alberto Gonzales and Deputy Attorney General Paul McNulty—“abdicated their responsibility to safeguard the integrity and independence of the Department by failing to ensure that the removal of U.S. Attorneys was not based on improper political considerations.” It confirms what I have said all along—the responsibility for this debacle was not the work of a few bad apples, as Attorney General Mukasey, former Attorney General Gonzales have suggested. Responsibility rests at the top, and at the White House.

This report might have told us even more if the investigation had not been impeded by the Bush administration's refusal to cooperate and provide documents and witnesses. In this debacle as in others, the Bush administration's self-serving secrecy has shrouded many of their most controversial policies—from torture, to investigating the causes of 9/11, to wiretapping. The evidence in our investigation and in reports from the Inspector General and Office of Professional Responsibility shows that Karl Rove and others from the highest ranks of the White House were involved in the firings and focused on the political impact of Federal prosecutions. The White House should not be allowed to hide from accountability.

Even though it has been clear for a long time that Attorney General Gonzales allowed politics to permeate the Department's ranks, he continues to try to avoid accountability. He has provided the Inspector General the same response he gave so frequently to Congress: I don't recall. The threads of secrecy of this administration—from the White House to the Executive agencies—will continue to unravel for years to come.

When this investigation was handed over to a Federal criminal prosecutor recently to determine whether there was criminal wrongdoing, I warned the President that the American people will see any use of the pardon power or any grant of clemency or immunity to those from his administration involved in the U.S. Attorney firing scandal as an admission of wrongdoing and another misuse of power. His administration has stonewalled the Congress and the inspector general. They should come clean. They should have testified and given us the information we were forced to subpoena. We do not want to see another repeat of the Scooter Libby misuse of power where the President's people misled investigators and then he excused them from their lies and evasiveness. There should be accountability and consequences.

Our oversight efforts did not complete our work. In the last year alone we have held eight hearings to replen-

ish the leadership ranks at the Department. We confirmed the new Attorney General last November. Today, in confirming Mr. Garre's nomination to be Solicitor General, we complete that work.

The position of Solicitor General is a critical post that encompasses duties quite different than any other lawyer in the Government. The Solicitor General is not only one of the highest ranking officials at the Justice Department and the chief advocate on behalf of the United States Government, but also holds a unique position as an officer of the court, with a duty to bring forward aspects of cases that the Supreme Court might not otherwise know. Because of this critical role, the Solicitor General is often called “the Tenth Justice.”

I remain concerned about many of the positions he has advocated while serving in the Solicitor General's office and more recently as Acting Solicitor General. For example, I strongly disagree with the administration's position last year in *Ledbetter v. Goodyear Tire and Rubber Co.*, a case in which the Supreme Court stuck a severe blow to the rights of working women to equal pay for equal work and to all working Americans. The amicus brief filed by the government, which Mr. Garre signed as Principle Deputy Solicitor General, helped bring about that wrong decision. I strongly believe it was contrary to the purpose and intent of Congress' bipartisan efforts to root out discrimination against working women.

For nearly two decades, Lilly Ledbetter, a supervisor at Goodyear Tire, was paid significantly less than her male counterparts. Nevertheless, the brief Mr. Garre signed contended that she was not eligible for title VII protection against discriminatory pay because she did not file her claim within 180 days of Goodyear's discriminatory pay decision. That view contradicted the position of the Equal Employment Opportunity Commission, which had stated that each paycheck could separately provide a cause of action. The administration's position was wrong and provided cover for the Court to throw out a jury verdict and compound the harm from the discrimination against Ms. Ledbetter. I hope that, once confirmed, Mr. Garre will take seriously the intent of Congress and the need for equal justice for all in advocating the position of the United States before the Federal courts.

I also disagree strongly with the position taken in an amicus brief this year signed by Mr. Garre in *Crawford v. Marion County Election Board*. In this Supreme Court case Mr. Garre argued that Indiana's requirement of a photo identification for voting was “reasonable” and furthered the State's interest in combating vote fraud. He made this argument even though in-person voter fraud has proven time and time again to be a myth, and evidence shows that photo ID laws have already served

to disenfranchise some of the most vulnerable American voters. In several instances elderly nuns who were not able to vote as a result of Indiana's laws. Although the Supreme Court agreed with Mr. Garre's position, 6-3, the Court left the door open for "as applied" challenges and statutory challenges to laws that burden voters' fundamental right to participate in the electoral process by mandating a photo ID. If confirmed, I hope Mr. Garre will act as he said in his hearing he would to enforce the Voting Rights Act's antidiscrimination provisions against State photo ID laws that deter minority voter participation.

I hope Mr. Garre shares my view that it is vital that we ensure that we have a functioning, independent Justice Department, and that we ensure that this sad era in the history of the Department is not repeated. We have seen what happens when the rule of law plays second fiddle to a President's agenda and the partisan desires of political operatives and it is a disaster for the American people. Both the President and the Nation are best served by a Justice Department that provides sound advice and takes responsible action, without regard to political considerations—not one that develops legalistic loopholes and ideological litmus tests to serve the ends of a particular administration.

Jeff Sedgwick will also have an important role to play in the few months remaining in this administration. The Office of Justice Programs plays a vital role in developing the Nation's capacity to prevent and control crime and compensating and assisting crime victims. Crime, including violent crime, has been on the rise, particularly in rural areas and smaller cities. Many of us think it is in part the consequence of this administration's failure to provide financial assistance to our state and local law enforcement partners. Despite our repeated warnings, the Bush administration has systematically tried to dismantle Federal support for local and state law enforcement that was being provided through our successful Community-Oriented Policing Services, COPS, program, Byrne grants and other programs. Under President Bush, billions have been cut from our state and local law enforcement efforts while we continue writing blank checks for police in Iraq. I hope that Mr. Sedgwick helps us reverse this trend and turn the tide back against crime in rural areas and smaller cities where it has been on the rise.

I congratulate the nominees and their families on their confirmations today.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ANDEAN TRADE PREFERENCE EXTENSION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7222, which was received from the House.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 7222) to extend the Andean Trade Preferences Act, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, President John F. Kennedy said that "if a free society cannot help the many who are poor, it cannot save the few who are rich."

This week, Congress has worked hard on the American economy. No matter how grave our problems today, America remains the world's richest nation. Our domestic challenges are great. But ours remains a land of opportunity and prosperity.

With our own economy in hard times, it is easy to forget the world's poorest. It is easy to forget that more than a billion people around the world live on a dollar a day or less. Concerned about maintaining our own standard of living, we can forget that the wealth of too many consists of little more than the clothes on their backs and the few coins in their pockets.

The legislation that we consider today proves we are not an island—economically or morally. Today's legislation accomplishes four key objectives. It extends the Generalized System of Preferences for 1 year, extends the Andean Trade Preferences Act for 6 months to 1 year, with safeguards to ensure that Bolivia and Ecuador comply with that program's rules, affords the Dominican Republic enhanced access to the U.S. market in a way that benefits U.S. producers, and allows our trade preference program with Africa—known as AGOA—to work better.

I am proud that, by considering and passing this legislation, America again proves that we are still capable of thinking of others. By acting on this bill, Americans underscore that those who do not share our wealth must not be denied hope for a better life. By extending our trade preference programs, Americans reaffirm the fundamental belief that the world's poor are no less human than we are, and they deserve a fair shake for a hard day's work.

America has crafted trade preference programs for those hundreds of millions of poor around the world, not with a handout, but with a leg up. These preference programs offer more than 130 countries a way out of extreme poverty—poverty that is not just morally repugnant, but politically destabilizing. Our GSP and ATPA programs give developing country workers a living, rewards productive investment, and grants better access to America's market.

The benefits of these programs are mutual and create jobs that earn good

wages in Montana and the rest of the country. Retail and transportation jobs in America depend on flower exports from Ecuador and Colombia. We sell American cotton to Andean and Dominican textile buyers who turn it into fabric and apparel. American manufacturers rely on imports from GSP beneficiaries to lower input costs on electrical parts and building materials. And American consumers benefit from lower priced products from diamond rings to tires.

Our preference programs are not perfect. My colleagues and I are concerned that our preference programs may help those who do not need or deserve our help. We are concerned that certain beneficiary countries boast globally competitive industries and wealthy owners. We are concerned that certain beneficiary countries show disdain for America's foreign policies and do not provide adequate protections for the American companies operating in those countries.

Yet I recognize that the good and prosperity of the many cannot be sacrificed to punish the few. The inappropriate actions of a few cannot lead us to inaction that hurts the many and throws entire economies into a spiral of insecurity and poverty.

This legislation on our preference programs is no blank check. Our preference programs require beneficiary countries to protect U.S. investment and intellectual property and to provide workers with internationally recognized worker rights. Our programs provide the administration with the flexibility to work within the program in order to determine whether or not to designate a country a beneficiary country. And when beneficiary countries do not abide by these eligibility criteria, they must be held responsible. I commend the administration for launching an ATPA review of Bolivia to ensure that it continues to abide by the eligibility criteria.

Our preference programs also contain measures to make sure that developing countries that become globally competitive graduate to operate under the same terms as the rest of America's trading partners.

These policies are not perfect. No policy this body passes is static. Every policy requires review and reevaluation to make sure it works how it should, for whom it should. As chairman of the Finance Committee, I am committed with my colleagues to reviewing and reevaluating our trade preference programs to make them work better for Americans and our trading partners.

Let us do things the right way, the American way, and extend our preference programs.

Mr. LEVIN. I ask unanimous consent that a Reid substitute amendment at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.